

Guide for courtroom conversations involving substance abuse

The following scripts are intended as a guide and illustration of tools as suggestions for courtroom conversations with court-involved persons who have substance abuse challenges. We encourage you to edit, use your own stories and examples and vary from the frameworks below by combining or eliminating parts you are not comfortable with. Some involve direct spiritual appeals to people who hold such beliefs; you can customize depending on the situation.

The goal is to give you a chance to show support for the people in court with you and at the same time hold them accountable for their use and behaviors. The other opportunity to use court as a teaching moment is that even if you don't reach your intended person, you might reach someone over their shoulder. Speak your part with compassion and accountability and then get out of the way.

In gratitude to my most important teachers & mentors, Mr. Jim Van Hecke and Dr. Earnie Larsen.

Joseph Moody Buckner, Chief District Judge, (2015)

For the addict: WALL OF PROTECTION

6 people required

Representing:

- 1) The addict
- 2) The addiction
- 3) Helping others
- 4) Spiritual fitness
- 5) Self-improvement
- 6) Friends and fellowship outside the family

Have Addict and Addiction stand apart but in bar well

Call up volunteer, in no particular order, representing:

Helping others

“When you feel badly, discouraged, hopeless about your life, go do something good for someone else. A neighbor, a stranger, someone at the store, it doesn’t matter. If we are not here to help others, then why are we here?”

Spiritual fitness

“We are not human beings in search of spirituality; we are spiritual beings in search of humanity. In order to remember this we must do our spiritual workout every day. We have to seek and take hydration, nourishment, hygiene, rest, exercise to stay healthy, right? Why would we believe we can neglect our inner self and stay emotionally healthy? If we are not physically fit, we are physically flabby. Our Scriptures, our prayers, our spiritual text study, our church or community group attendance, our devotionals. How you get there is your personal choice but it has to be done to keep ourselves in touch with our greater purpose.”

Self-Improvement

“If nothing changes, nothing changes. If we stay down in the foxhole our perspective, our view never changes. We must get ourselves out of the foxhole to change the view. We talk to our sponsors, mentors, counselors, care givers, teachers, and life coaches. We read, we attend lectures, we reflect, we journal in our diaries. And everybody can improve. Even the greatest athletes have guides, coaches.”

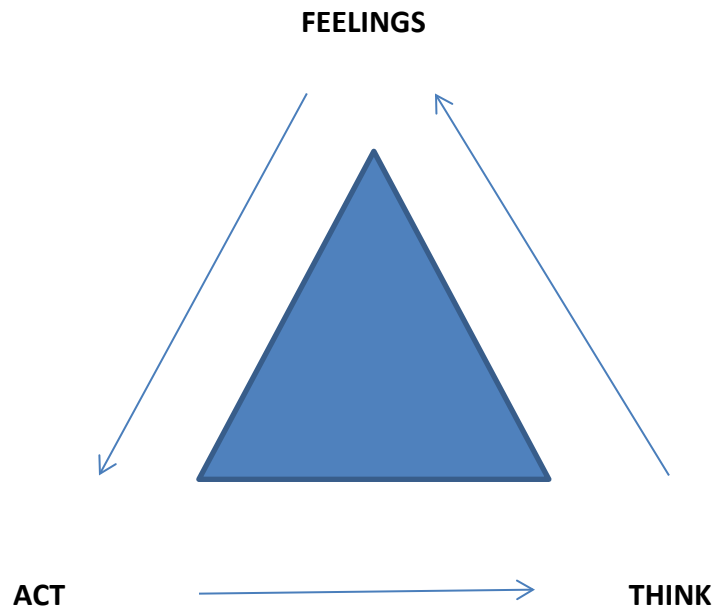
Friends and Fellowship outside the family

“We all need friends and fellowship outside our families. Families are important to many of us, triggers for some of us, living and dead. But we all need friends who care about us and like us because of who we are. Not what position or status we hold, or the drugs and alcohol we can score.”

TRIANGLE

This can be done as an address to an individual or to the entire courtroom.

Draw a triangle on two pieces of paper with a thick marker. Write in words and arrows. The beauty is you don't have to carry this. You always have paper. (Tip: don't use red marker. It can't be seen from back of the courtroom.) You want your entire gallery to see this.



Judge Q: What's this?

A: A triangle

Judge Q; What's the word at the top?

A: feelings

Judge: you feel angry, hopeless, lost, afraid, frustrated, too excited, inadequate, exhausted.

Who likes feeling like that?

So you Act.

You drink, snort, shoot up, pop pills to make the bad feelings go away.

What next?

You get arrested, locked up, robbed, lose job, wreck car, get evicted, steal money from your mom, your wife leaves you, get hospitalized and and and.

You Think?

Why did I do that?

Why am I in jail?

Now I won't have any money.

I won't have a place to live.

I miss my wife, my husband.

How will I get anywhere without my car?

Judge Q: What's this shape?

A: A triangle

Judge: Still a triangle. You are still here.

Judge Q: What's that word at the top?

A: Feelings

Judge: They are your feelings. They are real. You feel angry, afraid, upset, hopeless, lost, alone. They are still your feelings. And I am not telling you not to feel that way. Your feelings are your feelings.

Judge Q: What's that word?

A: Think

Judge: You feel all those bad feelings you knew were coming back. I don't like feeling like this. I think I'll call my sponsor, my minister, my counselor, my friend who is not addicted, pat my dog, say the prayer, take a walk, make something nice for somebody, read my Bible, my spiritual text, my journal. Do something other than use chemicals.

Judge: Then you Act. You do those things. Then suddenly or with time the bad feelings subside, they vaporize, they vanish. And you realize how grateful you are for you sponsor, your text, your disabled neighbor you could mow the grass for. The air and light and sounds which bathed you on your walk. Your freedom from your addiction.

See we have been living the first triangle a long time and it is not working. It is robbing us of our birthright, to be safe and happy. It is keeping us from being the people we deserve to be. But it is a habit. And habits feel normal. But these habits are keeping us down.

We are going to get up and get moving.

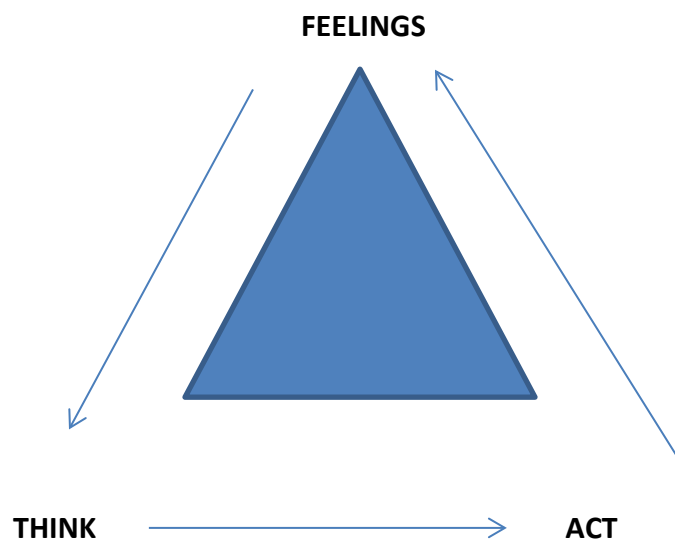
What you live with you learn.

What you learn you practice.

What you practice you become.

What you become has consequences.

We are going to practice the second triangle again and again and again. And before you know it the second triangle is going to be the new normal. It is going to become our new habit.



EMPTY CUP

Using an empty Styrofoam or plastic cup as a prop.

Ask the person:

How old were you when you started using?"

A "14"

Q "How old are you now?"

A"26"

Hold the cup out straight from your body.

"If someone asked me, Judge, hold that cup up for 5 minutes.

I'd say, no problem, I can do that.

Hold it up for an hour.

Wow my arm will get stiff, but I will try.

Hold it up for a day.

Gosh that will hurt. I might permanently damage myself. Plus I will get hungry and sleepy and miss my family and not meet my job responsibilities.

Judge, it's only a lightweight cup. There is not even anything in it? Come on you can do it!

Hold it up for a month.

Hold it up for a year.

Hold it up for 12 years.

(To the person) Bob, you've been holding on to this for 12 years so far. (Drop cup) It is time to let it go.

It is keeping you from being the man you are supposed to be. It is keeping you from being the son, the father, the friend, the contributor you are supposed to be. You are made fiercely and wonderfully. You are better than this and you deserve more than this. Holding on to this chemical is giving you nothing and keeping you from your birthright and robbing everyone of your legacy.

Do you know what your birthright is? To be safe and happy. If you are using you won't be safe or happy. I did not say rich, or famously and big job or even healthy. But we all deserve to be safe and happy.

Do you know what your legacy is? To love yourself and be loved. And to appropriately love other people you meet on your journey. If you are drunk or high or spending all your time, energy and money trying to get drugs or alcohol you can't love yourself or others. Your legacy of love is lost to all of us.

We are commanded to serve as disciples, contributing, valuable members of our community. For most of us it is not salvation and then eternity. For some but not most. For most of us it is salvation and then discipleship. If we are drunk or high we cannot serve.

(if tears show up) "Don't worry about a few tears. It will keep your head from swelling up."

Shortest verse in the Bible? Jesus wept.

LEVEL TABLE

This is similar to Wall of Protection. Person in front of you.

Using a book from the bench, hold up in hand, palm horizontal, book flat in hand.

“Your emotionally healthy life is like a level table. Like most tables it has four legs. (helping others, spiritual fitness, self-improvement, friends in fellowship outside of family)

Trouble is coming. Someone you love is going to suffer or die. Money is tight, you lose your job, your girlfriend breaks up with you, the car is stolen. Your table starts to tilt. You are not able to maintain an emotionally rational outlook and approach to the problem. We feel lost, angry, overwhelmed, frustrated, hopeless.

Who likes feeling like that? We turn to our drugs, our alcohol, to cover up bad feelings. To keep our table level we have to do an honest, daily inventory of what we need. Some days it might be doing something nice for someone, some days more spiritual work, some days more self-improvement and some days more friends and fellowship. But we have to keep our table level so that we can be the men and women, parents, children, friends and co-workers we need to be. Because trouble is coming.

We are not defined by our circumstances but we are defined by how we react to our circumstances.

If we are not in charge of our emotions, who is?

INVENTORY

How old are you?

How old were you when you began drinking or drugging?

So you have 13 years of living your life this way.

Now we are going to be on your inventory, not mine, not your attorney's, not your Mom's. Just yours.

As a result of your drinking and drugging have you lost anything on an earthly or spiritual plane that you care about?

As a result of your drinking and drugging do you have more money?

As a result of your drinking and drugging do you have a nicer car?

As a result of your drinking and drugging do you have a nicer place to live?

As a result of your drinking and drugging do you have a better job?

As a result of your drinking and drugging do you have a wonderful lady in your life?

Now remember we are on your inventory. If it was going work, and not take the things that you said you cared about, and give you things that most of us care about, don't you believe it would have happened by now?

You are better than this and you deserve more than this. (Can use birthright and legacy here).

WHO IS DRIVING YOUR BUS?

(Short inventory here similar to INVENTORY above)

The drugs and alcohol are driving your bus. And you are letting them drive you to the places we just talked about. To jail, to homelessness, to hunger, to despair, to sickness. And every time you want stop and get up and get well, the devil sends out advance guards of fear, doubt, anger resentment and they say: "Now Bob, you know this situation with court, your job, your unreasonable wife, boss man, money situation will be better if you stay with us. We know how to help you feel better. Let's have a beer, maybe smoke or shoot up or take a pill and we'll get through this. You know us. We are your comfort, pal."

This is the devil's way of protecting himself inside you. The devil is not after you. He is at war with God but he can't get to God. But he can hurt God, the devil can make God sad. How? How would you hurt any loving parent? By hurting that parent's child. By hurting God's children. And you are His child. God does not rank or differentiate among his children. God loves us all.

I want you to open up your head and reach in there and grab the devil and tell him, "You are not driving my bus. I am driving my bus." And every time you hear those voices don't beat yourself up. Just laugh and say. "I am driving my bus. You cannot fool me anymore. God has anointed me as the most valuable child in the universe. Why? Because God redeemed us in our brokenness. That makes me the most valuable child in the universe."

NORMAL

Group exercise. Poll the courtroom with a show of hands, attorneys and court personnel included.

Who here has lost their temper?

Who here has been afraid or anxious?

Who here has felt inadequate in a situation?

Everybody in response to each question raised their hand.

Guess what folks? We just identified normal.

We are going to work toward establishing a new normal.

And it may be uncomfortable. But uncomfortable is not necessarily bad.

But just ask any lady who has given birth. Right ladies?

(TRIANGLE works well here.)

PLAYING THE ODDS

I have a good friend in recovery. Former ACC athlete, 6'8" tall, accomplished businessman, great family, highly respected leader. Very competitive. Physically and intellectually strong. He did some research into alcohol, and found 4000 years of documented history on alcohol. And this very successful, competitive man told me his research revealed to him that the bottle was undefeated in the history of mankind against the man who could not put the bottle down. He said Judge, I don't like those odds.

This same friend told me that he knew he has another drunk in him but he wasn't sure he had another sober. And that scared him. Scares me too.

BACK TO AA AFTER A TIME AWAY AND A RELAPSE

Remember recovery is not a gift but a debt. How can you pay your debt if you aren't there? Who was there for you? Remember who touched you? Who valued and helped you? People who don't go to meetings don't hear about people who don't go to meetings. Besides if you go you might learn something else to help someone. Your thinking will not fix your thinking.

USE OF THE LAWYERS' ASSISTANCE PROGRAM AS EXAMPLE TO NON-LAWYER COURT INVOLVED PERSON

Judge Q: Do you know what the Lawyers' Assistance Program is?

A: No

Judge Q: Do you know what is required to become an attorney in North Carolina?

A: No

Judge: Your attorney and the district attorney and I and these other attorneys in the courtroom had to go through this. You have to graduate from college, attend an accredited law school for three years. If you graduate, you study for the state licensing exam, call the State Bar, for two and a half months. Then you get to take the exam, wait a month for your results. And then if you passed the exam, you put your hand on the Bible, you take an oath before God and a judge to swear to follow the law and protect your client's rights and their money.

We have so many attorneys who can't maintain their sobriety and are at risk of losing their law licenses and hurting themselves and their clients that we have a Lawyers' Assistance Program to guide them back to sobriety, sanity and hopefully success. But many are unwilling to accept this assistance and throw away all that they worked so long to earn and enjoy the status our society awards us. Crazy huh?

The doctors have a similar program and the nurses.

My friends in recovery tell me and when I say friends I don't mean just court involved people. Some are but most are not. When I say friends, I mean doctors and lawyers and ministers and bank officers and corporate executives and university officials and mechanics and farmers and homemakers and carpenters and painters and plumbers and pilots and and and...

See the drugs and alcohol don't care what you do for a living, what professional status or fame you've achieved. The drugs and alcohol don't care what kind of upbringing you had and that you had a bad time and an unfair deal. They are just chemicals.

If I said let's go outside and drink some battery acid, you'd say no, that might hurt me or kill me, it's poison. I'd say come on it is just a chemical. You'd say that judge is crazy. You'd be right. The drugs and alcohol are like drinking battery acid for you. Those chemicals are going to hurt you badly or kill you. Maybe fast, maybe slow.

Remember if the drugs and alcohol don't get you the lifestyle usually does. There is always someone out there who is quicker, sneakier, more dangerous, more crazed, who think if they stab or kill you they can get your money or drugs or alcohol they believe you have.

WHAT IS YOUR PLAN FOR MAINTAINING YOUR SOBRIETY?

A direct question. (You get a plethora of answers.)

Judge Q: What's the first step?

Again a bunch of different answers.

Response from judge

"A plan without a program is just a good idea. One suggestion, hard work, willpower, staying busy, going to church are all good but my friends in successful recovery (cite list if you wish) have all said the same thing. If nothing changes nothing changes.

At some appropriate time in the privacy of your closet, your cell, wherever you can find a moment, you need to ask God for help. This is absolute surrender to His will for you. Without this spiritual conduit for strength from the Holy Spirit the World and all its temptations will kill you and keep you from service, keep you from discipleship. Life is too hard without this help. The awesome thing is God is never too busy for you. You are his child and God is there 24/7."